



**STATE OF Missouri**                    )  
  )§  
**CITY OF St. Louis**                    )

## **TABLE OF CONTENTS**

	<b><u>Page</u></b>
I. PROFESSIONAL EXPERIENCE .....	2
II. PURPOSE OF AFFIDAVIT .....	3
III. GENERAL PRICING PRINCIPLES .....	7
IV. CHECKLIST ITEM (i): INTERCONNECTION.....	15
V. CHECKLIST ITEM (ii): ACCESS TO UNBUNDLED NETWORK ELEMENTS .....	16
A. General Unbundling Rules .....	16
B. Specific Unbundled Network Elements .....	18
C. Access To Operations Support Systems Functions.....	19
D. Bona Fide Request Process .....	20
E. Equal-In-Quality .....	21
F. Combination Of Network Elements .....	22
VI. CHECKLIST ITEM (iii): ACCESS TO POLES, DUCTS, CONDUITS AND RIGHTS-OF-WAY .....	23
VII. CHECKLIST ITEM (iv): LOCAL LOOP TRANSMISSION .....	24
VIII. CHECKLIST ITEM (v): LOCAL TRANSPORT .....	25
IX. CHECKLIST ITEM (vi): LOCAL AND TANDEM SWITCHING .....	26
A. Local Switching .....	27
B. Tandem Switching.....	27
X. CHECKLIST ITEM (vii): 911/E911, DIRECTORY ASSISTANCE AND OPERATOR CALL COMPLETION .....	28
A. 911/E911 .....	28
B. Directory Assistance And Operator Call Completion.....	28
XI. CHECKLIST ITEM (viii): WHITE PAGES LISTINGS .....	29
XII. CHECKLIST ITEM (ix): NUMBERING ADMINISTRATION .....	30

XIII. CHECKLIST ITEM (x): ACCESS TO DATABASES AND ASSOCIATED SIGNALING NECESSARY FOR CALL ROUTING AND COMPLETION.....	31
XIV. CHECKLIST ITEM (xi): INTERIM NUMBER PORTABILITY.....	31
XV. CHECKLIST ITEM (xii): LOCAL DIALING PARITY.....	33
XVI. CHECKLIST ITEM (xiii): RECIPROCAL COMPENSATION.....	34
XVII. CHECKLIST ITEM (xiv): RESALE .....	35
XVIII. INTRALATA TOLL DIALING PARITY .....	36
XIX. CONCLUSION .....	37

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

---

---

In the Matter of

Application of SBC Communications  
Inc., Southwestern Bell Telephone  
Company, and Southwestern Bell  
Communications Services, Inc., d/b/a  
Southwestern Bell Long Distance, for  
Provision of In-Region, InterLATA  
Services in Oklahoma

---

---

CC Docket No. \_\_\_\_\_

**AFFIDAVIT OF DALE KAESHOEFER  
ON BEHALF OF SOUTHWESTERN BELL TELEPHONE COMPANY**

STATE OF Missouri        )  
                                  )§  
CITY OF St. Louis        )

I, DALE KAESHOEFER, being of lawful age and duly sworn upon my oath, do hereby  
depose and state as follows:

1. My name is Dale Kaeshoefer. My business address is One Bell Center, Room 7-F-7, St.  
Louis, MO 63101. I am the General Manager - Carrier Marketing for Southwestern Bell

Telephone Company (hereinafter "SWBT"). I'm responsible for supervising all aspects of marketing for Switched and Special Access, as well as, Billing and Collection products. In October, 1995, I created within this organization, a wholesale marketing group. This group's primary responsibilities were to develop wholesale marketing opportunities which, at the time, were created as a result of the opening of Texas Local Exchange markets to competition by the Texas Legislature. The enactment of the Telecommunications Act of 1996 (hereinafter "the Act") expanded the group's scope to the balance of SWBT's states.

#### **I. PROFESSIONAL EXPERIENCE**

2. I began my career with SWBT in 1966. From that time to 1978, I served in numerous positions and locations dealing with various aspects of business office line operations. Responsibilities included managing offices serving combined business and residence customers and large business customers only. Personnel under my supervision worked with customers in the areas of sales, customer service and collections. From 1978 to 1979, I was responsible for tariff development and pricing of selected products in SWBT's Missouri regulatory organization. In 1979, I moved to Kansas as District Manager responsible for the tariffing and pricing of all Kansas products and services provided by SWBT. In 1985, I was appointed Division Manager-Rate Administration responsible for the development and implementation of regulatory policy as well as the development of pricing, terms and conditions for all SWBT products offered in Missouri. I accepted my current position in 1993.

## **II. PURPOSE OF AFFIDAVIT**

3. The purpose of my affidavit is to describe how SWBT in Oklahoma has satisfied all fourteen (14) elements of the competitive checklist (hereinafter "Checklist") set forth in 47 U.S.C. §271(c)(2)(B) by providing or making available interconnection, as well as, network elements, products and services described in the Checklist in the manner required. In doing so, I will describe the elements, products and services that SWBT is offering to provide to requesting telecommunications carriers through SWBT's Statement of Generally Available Terms & Conditions (hereinafter "STC"). The STC was permitted to go into effect by the Oklahoma Corporation Commission (hereinafter "OCC") on March 17, 1997. On December 12, 1996, the OCC issued an arbitration order [Arbitration Order, Cause No. PUD 960000218 (hereinafter "Arbitration Order")] involving SWBT and AT&T which established interim rates for interconnection, unbundled elements, as well as, transport and termination of traffic. SWBT has incorporated provisions set forth in the Arbitration Order in its STC.
4. In addition to its STC and the Arbitration Order, which comply with the provisions of the Act, SWBT has OCC-approved interconnection agreements with Brooks Fiber Communications of Oklahoma, Inc., Brooks Fiber Communications of Tulsa, Inc., (hereinafter "Brooks Fiber"), Sprint Communications Company, L.P. (hereinafter "Sprint"), ICG Telecom Group Inc., (hereinafter "ICG") and U.S. Long Distance, Inc.,

(hereinafter "USLD"), and approved resale agreements with Brooks Fiber, Sprint, USLD, Dobson Wireless, and Western Oklahoma Long Distance (hereinafter "WOLD"). These agreements were negotiated by the parties and have been approved by the OCC. In its "Findings of Fact and Conclusions of Law" pertaining to these agreements, the OCC found that the Interconnection Agreements are consistent with the public interest, convenience and necessity, that they do not discriminate against a telecommunications service provider not a party to the Agreements, that the Agreements are consistent with the requirements of the Commission's rules for the approval of interconnection agreements, and that the Agreements are consistent with pro-competitive aims of the Federal Act, and the Commission's rules governing local exchange competition. In addition to approved interconnection agreements, SWBT recently reached an interconnection agreement in Oklahoma with Intermedia Communications, Inc. (hereinafter "ICI"). This negotiated interconnection agreement is currently before the OCC for approval. For a complete status of negotiation activity in Oklahoma, see the Affidavit of Mr. Zamora.

5. Where applicable, I will explain how SWBT's STC, in combination with the Arbitration Order and approved interconnection agreements, satisfy SWBT's duties under 47 U.S.C. §§251 and 252, the applicable FCC regulations implementing those sections (hereinafter "Rules"), the FCC's First Report and Order [FCC 96-325 (Aug. 8, 1996) (hereinafter "FCC Order")], the FCC's Second Report and Order [FCC 96-333 (Aug. 8, 1996)



(hereinafter "Second Report and Order"]), the FCC's First Report and Order on Reconsideration [FCC 96-394 (Sept. 27, 1996) (hereinafter "First Reconsideration Order")], the FCC's Second Order on Reconsideration [FCC 96-476 (Dec. 13, 1996) (hereinafter "Second Reconsideration Order")], and the FCC's First Report and Order and Further Proposed Rule Making [FCC 96-286 (July 2, 1996) (hereinafter "Number Portability Order")].

6. My affidavit, together with the affidavits of others, will indicate SWBT has the ability to provide all Checklist items in a nondiscriminatory manner to any requesting telecommunications carrier in a manner that satisfies the Checklist and 47 U.S.C. §§251 and 252. Specifically, SWBT is furnishing service to Brooks Fiber as a facility based carrier and Dobson Wireless as a reseller, at present. Service will be available to ICI, Capital Telecommunications (This company has not filed with the OCC due to its internal priorities), CapRock Communications, Fast Connections, Chickasaw Telecom, TIE Communications (This company has not filed with the OCC due to its internal priorities), Oklahoma Comm South, US Telco, Preferred Carrier Services, and Sterling International Funding (d/b/a Reconex) under the respective carrier's agreement, once approved by the OCC. Additional elements as well as features and functions are also available in SWBT's STC, which became effective March 17, 1997 .

7. SWBT, through its STC and interconnection agreements, is offering all elements, products and services required by the FCC in the Rules, Order, and Second Report and Order. SWBT believes that some of the requirements set forth in these Rules and Orders exceed the scope of the Act and it has, therefore, challenged those provisions before the Eighth Circuit Court of Appeals. If the court holds that the challenged provisions indeed exceed the scope of the Act, SWBT's Oklahoma interconnection agreements and its STC will be modified accordingly.
8. Brooks Fiber, a facility based provider, is currently providing local exchange service to customers in Oklahoma over its own facilities. (See Affidavits of Messrs. Montgomery, Wheeler and Butler for facilities based competition.)
9. As can be seen from Mr. Montgomery's affidavit, Brooks Fiber is currently offering, over its own facilities, a competitive alternative to SWBT's exchange access and local exchange services. In fact, a significant quantity of business and residence consumers and associated access lines are within one thousand (1,000) feet of known Brooks Fiber facilities in Oklahoma City and Tulsa. (See Risk Analysis included in Mr. Montgomery's Affidavit.)

10. The STC, Brooks Fiber, USLD, ICG and Sprint Agreements contain Most Favored Nation ("MFN") clauses that, in accordance with 47 U.S.C. §252(i), entitle other local Oklahoma carriers to obtain interconnection, services or network elements under the same terms and conditions as those provided in SWBT's STC and the interconnection agreements approved by the OCC (STC §XXIII), (Brooks Fiber §XXIV; USLD §XXII; ICG §29.16 and Sprint §32.0).
11. My affidavit should be read together with affidavits of other SWBT employees to give a full picture of SWBT's Checklist compliance. Specifically, I discuss access and interconnection, including wholesale products, elements, services and prices which SWBT is providing, or will provide, upon request to telecommunications carriers. Other affiants show compliance with other specific requirements for interLATA relief.

### **III. GENERAL PRICING PRINCIPLES**

12. Standards for interconnection via voluntary negotiations are established in 47 U.S.C. §252(a)(1). That section of the Act specifies that upon receiving a request for interconnection, service, or network elements pursuant to 47 U.S.C. §251, SWBT may negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of 47 U.S.C.

§251. The agreement is to include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The STC, Brooks Fiber, ICG and USLD agreements comply with this provision of the Act (STC Appendix Resale, Exhibits A & B, Appendix Pricing Schedule); (Prices are included throughout the Brooks Fiber, ICG, USLD and Sprint Agreements).

13. Pricing standards for interconnection and unbundled network elements are established in 47 U.S.C. §252(d)(1). That section of the Act specifies that prices for interconnection and unbundled elements shall be determined by the State Commission based on the cost, “determined without reference to rate-of-return or other rate-based proceeding,” must be nondiscriminatory and “may include a reasonable profit.” As noted earlier, SWBT has received an Arbitration Order from the State of Oklahoma pursuant to 47 U.S.C. §252(c), including interim rates for interconnection and network elements, which SWBT believes to be in compliance with the requirements of 47 U.S.C. §252(d).
14. 47 U.S.C. §252(d)(2) requires that to be determined just and reasonable, reciprocal compensation prices must “. . . provide for the mutual and reciprocal recovery by each carrier of costs associated with the transport and termination on each carrier’s network facilities of calls that originate on the network facilities of the other carrier . . .” Furthermore, 47 U.S.C. §252(d)(2) requires the costs for reciprocal compensation to be

based on a “. . . reasonable approximation of the additional costs of terminating such calls” and indicates that arrangements that waive mutual recovery (such as bill and keep) are not precluded. However, that section of the Act does preclude the FCC and state commissions from engaging “in any rate regulation proceeding to establish with particularity the additional costs of transporting or terminating calls. . . .” The Arbitration Order from the State of Oklahoma, pursuant to 47 U.S.C. § 252(c), includes interim rates for reciprocal compensation, which SWBT believes to be in compliance with the requirements of 47 U.S.C. §252(d).

15. In response to the provisions of 47 U.S.C. §251(d), the FCC, on August 8, 1996, released the FCC Order, establishing regulations to implement the requirements of 47 U.S.C. §251. On September 27, 1996, the FCC released its Order on Reconsideration. Among the numerous issues addressed in the FCC Order is its definition of the costing and pricing standards to be used in interconnection arbitration. The FCC Order established the pricing policy for unbundled elements, as well as, transport and termination pricing as being “forward-looking economic cost” which it defines as the sum of the Total Element Long Run Incremental Cost (“TELRIC”) of the element plus a reasonable allocation of common costs. Appendix B-Final Rules §51.505 of Part 51 of Title 47 of the Code of Federal Regulations (C.F.R.). According to the FCC Order, prices are to be generally set at this level for each element priced.

16. On October 15, 1996, the Eighth Circuit Court of Appeals issued an order staying the operation and effect of the pricing provisions and the "pick and choose" rule contained in the FCC Order (47 U.S.C. §252(i)). With respect to the pricing provisions of the FCC Order, the Eighth Circuit's order stayed the operation and effect of 47 C.F.R. §§51.501-51.515 (inclusive), §§51.601-51.611 (inclusive), §§51.701-51.717 (inclusive) and the default proxy range for line ports used in the delivery of basic residential and business exchange services established in the FCC's Order on Reconsideration, dated September 27, 1996. With respect to the "pick and choose" rule, the Eighth Circuit's order stayed the operation and effect of 47 C.F.R. §51.809. The Court's November 1 Order Lifting Stay In Part excluded §51.701, §51.703, and §51.717 from the Court's stay.
17. While SWBT does not agree that prices set at forward-looking economic costs are the absolute and proper basis for determining rate levels applicable to unbundled elements or transport and termination of traffic, it nevertheless used the approach in the arbitration proceeding in Oklahoma with the understanding that it reserves the right to seek modifications to the resulting prices based on future developments, including but not limited to the final outcome of the appeal of the FCC Order, the revision and/or completion of cost studies, and the FCC's handling of applications for interLATA relief under 47 U.S.C. §271.

18. SWBT's Affidavit of Mr. Moore addresses the forward-looking economic cost studies prepared for various unbundled network elements and reciprocal compensation for the transport and termination of traffic. While the details of the cost studies are more fully addressed in Mr. Moore's Affidavit, most of SWBT's prices for unbundled network elements and reciprocal compensation for the transport and termination of traffic in SWBT's STC have been set at levels equal to (subject to rounding) forward-looking economic cost plus an allocation of joint and common cost. Some of these prices are based on existing tariff rates which are cost based. For example, Interoffice Transport prices are based on existing prices in effect in interstate tariffs, which are based upon the requirements of the FCC Rules. Prices for some elements, such as operator services, have been set at levels SWBT currently charges independent local exchange companies in Oklahoma for providing those same services. Prices for the vast majority of these services are based upon cost studies. Furthermore, because I believe all SWBT pricing decisions historically have taken cost into account, I believe that all of these prices were established based upon costs. Finally, there are some elements for which SWBT does not have cost studies, tariff rates or existing prices in independent local exchange carrier contracts (e.g. Physical Collocation). For those limited elements, SWBT must conduct cost studies on a case-by-case basis.

19. In summary, SWBT used the following general guidelines in developing its STC prices for unbundled network elements and reciprocal compensation for the transport and termination of traffic:

- For those unbundled network elements where forward-looking economic cost studies had been completed and where SWBT is not currently offering a comparable feature, SWBT's rates were, in most cases, set (subject to rounding) at economic cost plus a reasonable uniform assignment of forward-looking common cost.
- For those unbundled network elements where forward-looking long-run incremental cost studies were completed and where SWBT is currently offering a comparable feature, SWBT's rates were, in most cases, set at the existing cost-based rate for the comparable service.
- For those elements where forward-looking economic cost studies had not been completed, the rates were set at comparable rates for existing tariffed services, which regulators have already determined to have been established based on cost.
- For those Checklist elements where forward-looking economic cost studies had not been completed and where there was no comparable existing tariffed service, rates were set at rates for similar services in existing contracts with independent local telephone companies, which I believe were established based on SWBT costs .



- For those elements where forward looking economic cost studies, comparable tariffed services, or independent local telephone company contract rates did not exist, SWBT must develop costs on a case-by-case basis (e.g., physical collocation).

20. As indicated for physical collocation, SWBT will individually price each collocation arrangement on a case-by-case basis in Oklahoma. SWBT must price collocation on an individual contract basis in recognition of the fact that those costs vary by location and according to each LSP's specific requirements. SWBT passes the cost of construction and equipment necessary to provide the collocation request from the vendor or subcontractor on to the collocator. Therefore, the majority of SWBT's physical collocation costs will be non-recurring in nature and thus subject to individual contract pricing.

21. For virtual collocation, SWBT will use its Interstate Virtual Collocation Tariff. These tariffed rates would serve as a proxy ceiling for virtual collocation prices as allowed in ¶826 of the FCC Order. Additionally, SWBT offers Sonet Based Interconnection (SBI) found in its Interstate Access Tariff. Additionally, as agreed upon in the Brooks Oklahoma Interconnection Agreement, certain services not provided via the Interstate Collocation Tariff will be provided via the ICB process.

22. With respect to resale pricing, 47 U.S.C. §252(d)(3) indicates wholesale prices should be set “. . . on the basis of retail rates charged to subscribers for the telecommunications service requested, excluding the portion thereof attributable to any marketing, billing, collection, and other costs that will be avoided by the local exchange carrier.” SWBT calculated costs avoided following its view of the methodology contained in the FCC Order. This approach resulted in an avoided cost of 17.5% across all required resale services. Finally, as a result of arbitration with AT&T, the OCC established the resale discount at 19.8% for all telecommunications services required for resale. SWBT's STC reflects a discount of 19.8% and this discount is not interim.
23. On the basis of the preceding, the cost support affidavit of Mr. Moore, and the fact that the OCC has either allowed to go into effect or approved all of SWBT's prices for interconnection, unbundled elements, as well as, transport and termination of local traffic, based on costs which have been determined without reference to a rate-of-return or other rate-based proceeding, SWBT believes it has met these requirements for interLATA relief. Again, the pricing provisions of the FCC's Order have been stayed and therefore, the company reserves the right to seek modifications of these prices once the final outcome of the appeal is known.

#### **IV. CHECKLIST ITEM (i): INTERCONNECTION**

24. SWBT may satisfy the access and interconnection requirements of the Checklist by providing "[I]nterconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)" (47 U.S.C. §271(c)(2)(B)(i)). SWBT's STC and OCC-approved Interconnection Agreements fully satisfy the requirements of 47 U.S.C. §271(c)(2)(B)(i). As addressed in considerable detail by Mr. Deere, SWBT provides for interconnection with its network for the transmission and routing of telephone exchange service and exchange access service, consistent with the Act and the FCC's Rules (47 U.S.C. §251(c)(2)(A)), (47 C.F.R. §51.305(a)(1)), (Order ¶184), (Brooks Fiber and USLD §II and Appendix NIM), (STC §II, Appendix ITR and Appendix NIM). SWBT will provide interconnection at any technically feasible point within its network via physical or virtual collocation, a "Mid-Span Fiber Meet" arrangement, or by any other requested interconnection method that is consistent with the Act and to which the parties agree (47 U.S.C. §251(c)(2)(B), (c)(6)); (47 C.F.R. §51.321(a), (b)); (Brooks Fiber and USLD §II.B); (STC, §II, B).
25. With respect to collocation, as of March 31, 1997, SWBT has one (1) competitive Local Service Provider (LSP) connected using virtually collocated facilities in two (2) SWBT Oklahoma wire centers. There are three (3) pending requests for virtual collocation. SWBT has three (3) physical collocation requests pending in several Oklahoma wire centers and eleven (11) additional requests are scheduled for completion in April/May of 1997.

(To date, five (5) distinct carriers have requested virtual and physical collocation in Oklahoma.)

## **V. CHECKLIST ITEM (ii): ACCESS TO UNBUNDLED NETWORK ELEMENTS**

### **A. General Unbundling Rules**

26. The Checklist requires that SWBT provide “[N]ondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1)” (47 U.S.C. §271(c)(2)(B)(ii)). The Checklist also specifies certain network elements that must be unbundled from other elements. These network elements are: (1) local loop transmission from the central office to the customer's premises [subsection (iv)]; (2) local transport from the trunk side of a wireline local exchange carrier (LEC) switch [subsection (v)]; (3) local switching [subsection (vi)]; and (4) call-related databases and associated signaling necessary for call routing and completion [subsection (x)]. SWBT must unbundle and provide nondiscriminatory access to directory assistance and operator call completion facilities [subsection (vii)]. (See the Affidavit of Mr. Keener.) As discussed in the affidavit of Mr. Deere, SWBT makes available, or will make available upon request, nondiscriminatory and equal-in-quality access to the full range of unbundled network elements. Upon request, SWBT will provide other technically feasible network elements as required by the Act and Rules and will allow requesting carriers to combine such elements to the extent required by law (STC Appendix UNE-2.1), (Sprint Attachment 6: UNE ¶¶2.1, 2.4, 2.13 and 2.17).

27. As illustrated by the separate prices for each network element in SWBT's STC and the OCC-approved agreements, SWBT provides access to the network elements separately from access to other such elements and for a separate charge (47 C.F.R. §51.307(d)), (STC Appendix UNE and Appendix Pricing Schedule), (Sprint Attachment 6: UNE).
28. SWBT does not impose any limitations, restrictions or requirements inconsistent with the Act on requests for, or use of, an element that would impair a requesting carrier's ability to provide a telecommunications service, provided that the service does not compromise the integrity of SWBT's network ((47 U.S.C. §251(c)(3)), (47 C.F.R. §51.309(a)), (Sprint Attachment 6 UNE ¶2.4).
29. SWBT's STC and approved agreements are consistent with the FCC's principles that requesting carriers are entitled to exclusive use of an unbundled network facility, and to use of features, functions or capabilities of that facility, for a set period of time 47 C.F.R. §51.309(c). Nevertheless, SWBT retains the obligation to maintain, repair or replace unbundled network elements for the term of the negotiated agreement. (47 C.F.R. §51.309(c)), (STC Appendix UNE §2.5), (Sprint Attachment 8 UNE ¶2.7 and Attachment 8: Maintenance-UNE §§1.1, 1.2 and 2.1).

## **B. Specific Unbundled Network Elements**

30. As required by the Act, Orders, and Rules, SWBT makes available nondiscriminatory access to the following unbundled network elements:

- Local Loop\*
- Network Interface Device (NID)
- Local Switching\*
- Tandem Switching
- Interoffice Transport\*
- Signaling Links and Call-Related Databases
- Operations Support Systems (OSS) Functions
- Operator Services and Directory Assistance Facilities

\*(Brooks Fiber, USLD, ICG - Appendix UNC) (All Others - STC Appendix UNE Sprint Attachment 6 UNE)

The FCC also recognized the need for cross connects but did not identify these facilities as separate network elements. Nonetheless, SWBT will offer cross connects in accordance with its STC (STC Appendix UNE §11).

31. Some of the required network elements are specified in the Checklist, while others are specified in the FCC Rules. (47 U.S.C. §271(c)(2)(B)(ii), (iv-vii), (x)); (47 C.F.R. §51.319) Some of those elements required by the Checklist are discussed in separate sections of this affidavit. The core elements, not specified in the Checklist but rather in the FCC Rules, which are discussed in this section, are NIDs and access to OSS functions. The FCC also requires the unbundling of operator call completion and directory assistance. SWBT's unbundling of these elements is discussed below under Checklist item (vii). For

specifics see Affidavits of Mr. Deere, Ms. Ham, Ms. Lowrance, Ms. Kramer and Mr. Keener.

### **C. Access To Operations Support Systems Functions**

32. 47 C.F.R. §51.319(f) requires SWBT to provide unbundled, nondiscriminatory access to OSS functions equivalent to the access provided by SWBT to itself. These are functions supported by SWBT's databases that cover pre-ordering, ordering, provisioning, maintenance and repair, and billing of unbundled elements and resold services. As required by the FCC, SWBT offers, upon request, access to these functions via electronic interfaces where SWBT customer contact personnel use electronic interfaces and via manual interfaces where they do not. Such access is at least equivalent to that SWBT provides to itself, its affiliates or other carriers, which enables competing carriers to perform these functions in substantially the same time and manner as SWBT (STC Appendix OSS), (Sprint Attachment 6-UNE ¶¶10.1, 10.2 and Attachment 2-Resale). These interfaces are available consistent with the requirements of the FCC's Rules as clarified in the Second Reconsideration Order (FCC 96-476 ¶¶6 through 9). Specifically, SWBT offers sufficient information regarding the interfaces and standards used to provide access to its SWBT's OSS functions to enable requesting carriers to develop and maintain their systems and procedures to make effective use of those interfaces. SWBT also offers requesting telecommunications carriers access to the functionality of any internal gateway system it

uses in accessing OSS functions for its own customers (Order ¶523), (STC Appendix OSS), (Sprint Attachment 6-UNE ¶¶10.1, 10.2 and Attachment 2-Resale). A complete and thorough discussion of SWBT's access to OSS functions is provided in the Affidavit of Ms. Ham.

#### **D. Bona Fide Request Process**

33. SWBT's Bona Fide Request ("BFR") Process addresses instances where a requesting carrier desires to: (1) interconnect to SWBT's network at a new point or to purchase new or different unbundled elements; (2) achieve interconnection or access to a network element that is different in quality from what SWBT provides itself; or (3) receive a customized service (STC Appendix UNE ¶2.2 and ¶2.4.), (Sprint Attachment 6 ¶2.19), (ICG Exhibit A).
34. Under SWBT's BFR process in Oklahoma, requesting carriers may request the network arrangement or services they want via a written BFR, specifying their requirements. SWBT is committed to process BFRs promptly, and not to exceed the timeframes specified in its process description. SWBT has a maximum of thirty (30) days from receipt of the BFR in which to conduct a preliminary analysis of the technical feasibility of the request. During this time-frame, SWBT will prepare a preliminary report for the requesting carrier. If the carrier authorizes further development, SWBT will, within a maximum of ninety (90) days



from receipt of authorization, analyze the request and conduct further price and cost analyses. SWBT will then provide a final BFR quote which will include proposed price and implementation terms. A requesting carrier may cancel the BFR at any time but remains responsible for SWBT's reasonable development costs incurred up to cancellation (STC Appendix UNE ¶2.16.3), (Sprint Attachment 6 ¶2.19.3), (ICG Exhibit A ¶3).

35. If SWBT concludes that, for technical reasons, it cannot satisfy a BFR, it will specify the reasons to the requesting carrier within the time frames specified above and will be prepared to demonstrate to the OCC that such interconnection, access or method is not technically feasible (STC Appendix UNE ¶2.16.15), (Sprint Attachment 6 UNE, ¶2.19.5), (ICG Exhibit A, ¶5). See Mr. Deere's affidavit for additional details.

#### **E. Equal-In-Quality**

36. The FCC's Rules require that, to the extent feasible, the quality of an unbundled network element, as well as, the quality of the access to such unbundled element, provided to a requesting telecommunications carrier is at least "equal-in-quality," or at parity, with what the incumbent LEC provides to itself 47 C.F.R. §51.311(a) and (b). Each network element provided by SWBT to a LSP will meet applicable regulatory performance standards and be at least equal-in-quality and performance to that which SWBT provides to itself. Each network element will be provided in accordance with SWBT Technical Publications or